

Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-305 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	DuPont Teijin Films
Facility Name:	DuPont Teijin Films
Facility Location:	5401 Jefferson Davis Highway Richmond, VA
Registration Number:	Registration No. 51924
Permit Number:	PRO51924

January 9, 2002
Effective Date

January 9, 2007
Expiration Date

David A. Johnson
Director, Department of Environmental Quality

January 9, 2002
Signature Date

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I. Facility Information

Permittee/Facility

DuPont Teijin Films
5401 Jefferson Davis Highway
Richmond, VA 23261

Responsible Official/Contact Person

Wayne Hewitt
Plant Manager
(804) 383-3456

AIRS Identification Number: 51-041-0418

Facility Description:

SIC Code: 3999 – Coated Mylar, Polyester Film

DuPont Teijin Films coats plastic film with a variety of coatings. The coating process involves affixing a thin, uniform coating to the surface of the film. The process is organized in the following areas: solution prep, coating and drying, and solvent recovery.

II. Emission Units

Equipment to be operated consists of:

Emission Unit No.	Stack No.	Emission Unit Description	Size/Rated Capacity*
MYE01	MYS09-12	Z Side Weigh Tanks	3.6 tons/hr coating solution
MYE02-03	MYS09-12	Two (2) Z Side Dissolvers	3.6 tons/hr coating solution
MYE04-05	MYS09-12	Two (2) Z Side Mixer/Blenders	3.6 tons/hr coating solution
MYE06-09	MYS09-12 MYS01-08	Four (4) Mix Tanks	3.6 tons/hr coating solution
MYE10-11	MYS09-12	Two (2) Dissolver Tanks	3.6 tons/hr coating solution
MYE12-19	MYS09-12	Eight (8) Blenders/Hold Tanks	3.6 tons/hr coating solution
MYE20-23	MYS23-24 MYS01-08	Four (4) Vertical Coating Drying Lines	0.5856 tons/hr coated film each
MYE24	MYS15 MYS01-08	One (1) Three-Station Horizontal Coating / Drying Line	1.636 tons/hr coated film
MYE25	MYS16-18 MYS01-08	Small Lot Tanks	3.6 tons/hr coated film
MYE 26	MYS19	Solvent Recovery Building	1.5 tons/yr solvent
MYE27	MYS20	Tank Truck Loading Station	150 gpm pump
MYT01	Fugitive	One (1) Toluene Storage Tank	11,500 gallons
MYT02-03	Fugitive	Two (2) THF Storage Tanks	11,500 gallons each
MYT04	Fugitive	One (1) Crude Toluene Storage Tank	4,700 gallons
MYT06	Fugitive	Miscellaneous Storage Tanks	20 tanks with a total capacity of 18,585 gallons
MYT07	Fugitive	One (1) Toluene Storage Tank	13,000 gallons
MYT08	MYS01-08	One (1) THF Storage Tank	16,500 gallons

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Film Plant (MYE01 to MYE27; MYT01 to MYT08) Requirements

A. Limitations

1. Film plant VOC emissions shall be controlled by carbon bed adsorbers. The carbon adsorption system shall be equipped with a device which measure the VOC concentration of the exhaust gas and an exhaust gas flow meter. The instruments shall be calibrated as recommended by the manufacturer for the service in which they are installed. The carbon bed outlet VOC concentration shall not exceed 50 ppm before triggering a switch to a fresh bed.
(9 VAC 5-40-300, specific condition E.13. of the 5/30/96 RACT Agreement)
2. The VOC control efficiency of the film plant processes shall be a minimum of 98.3% on a six-month rolling average basis. This efficiency shall be verified by mass balance methods described or referenced in condition 11.c.
(9 VAC 5-40-300, specific condition E.15. of the 5/30/96 RACT Agreement)
3. Volatile organic compound (VOC) emissions from the THF (MYT08) storage tank shall be controlled by the use of a submerged fill pipe and a four-bed carbon adsorption recovery system. The carbon adsorption system shall achieve at least a 95% control efficiency for VOC emissions, calculated as a monthly average, from the THF storage tank as determined by a material balance calculation method similar to that specified in Condition 10.a. The submerged fill pipe system and the carbon adsorption system shall be provided with adequate access for inspection and shall be in operation when the THF storage tank is being filled.
(9 VAC 5-50-260 and 9 VAC 5-40-3440, specific condition 3 of the 2/13/01 NSR permit)
4. Volatile organic compound (VOC) emissions from the vertical tower "G" coater (MYE23) shall be controlled by a four-bed carbon adsorption recovery system. The four-bed carbon adsorption recovery system shall be provided with adequate access for inspection and shall be in operation when the vertical tower "G" coater is operating.
(9 VAC 5-50-260, specific condition 4 of the 2/13/01 NSR permit)
5. Volatile organic compound (VOC) emissions from the horizontal multi-station coater (MYE24) shall be controlled by a four-bed carbon absorption recovery system. The four-bed carbon adsorption recovery system shall be provided with adequate access for inspection and shall be in operation when the multi-station coater is operating.
(9 VAC 5-50-260 and 9 VAC 5-80-10 H, specific condition 5 of the 2/13/01 NSR permit)
6. The production of coated film shall not exceed 28,290 tons per year, calculated monthly as the sum of coated film production over the previous consecutive 12 months.
(9 VAC 5-80-10 H, specific condition 7 of the 2/13/01 NSR permit)

7. Emissions from the operation of the film coating plant shall not exceed the limits specified below:

Volatile Organic Compounds	36.5 lbs/hr	159.3 tons/yr
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Compliance with these emission limits shall be demonstrated by record keeping in accordance with Condition 10.

(9 VAC 5-80-10 H, specific condition 8 of the 2/13/01 NSR permit)

8. Each of the carbon adsorption systems shall be equipped with a device which continuously measures the VOC concentration of the exhaust gas and which triggers the carbon bed regeneration cycle. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection and shall be in operation when the respective carbon adsorption system is operating.
(9 VAC 5-50-260, 9 VAC 5-80-10 H, 9 VAC 5-50-20 C, specific condition 6 of the 2/13/01 NSR permit)

B. Periodic Monitoring

9. The permittee shall conduct the following monitoring:
- the permittee shall conduct a monthly inspection of each monitoring device required by Conditions 1 and 8 of this permit to insure the proper operation of each device. The permittee shall maintain records of the results of the monthly inspections and details of any corrective actions taken as a result of these inspections. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.
(9 VAC 5-60-100)

C. Recordkeeping

10. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Piedmont Region. These records shall include, but are not limited to:
- Monthly VOC emissions (tons) from the film coating plant, calculated by a material balance similar to the method prescribed in 40 CFR §60.603 and approved by the Director, Piedmont Region. The material balance shall include terms for monthly beginning and ending VOC inventory and amounts of VOC removed from the system as nongaseous losses.

- b. Annual VOC emissions (tons per year) from the film coating plant, calculated monthly as the sum of monthly VOC emissions over the previous consecutive 12 months.
- c. The number of hours during the calendar month that the film coating plant was operating. The number of hours that the film coating plant is operating during the calendar month shall be determined as the sum of plant operating hours in which any film coater within the plant was operated.
- d. Average hourly VOC emissions from the film coating plant, calculated monthly by dividing the annual VOC emissions over the previous consecutive 12 months by the sum of the number of hours that the film coating plant was operating during the previous consecutive 12 months.
- e. The monthly production of coated film, and the annual production of coated film calculated monthly as the sum of coated film production over the previous consecutive 12 months.
- f. Maintenance and calibration records (calibrations, checks, and adjustments) for the VOC emission monitoring device.
- g. Records of the manufacturer's recommendations for carbon bed replacement, and records of actual carbon bed replacement.
- h. Training records required by this permit.
- i. Records showing the dimensions of the THF storage tank (MYT08) and an analysis showing the capacity of the THF storage tank.
- j. Records required by Condition 9 of this permit.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 9 VAC 4-40-300, 40 CFR 60.116b, specific condition 8 of NSR permit issued 2/13/2001, specific condition E.14. of the 5/30/96 RACT agreement)

D. Testing

11. The permittee shall conduct monthly performance tests by material balance for VOC emissions from the film coating plant to demonstrate compliance with the emission limits contained in conditions 2, 3, and 7.
 - a. Compliance with the annual VOC emission limit in Condition 7 shall be determined monthly from records required by Condition 10.b.
 - b. Compliance with the hourly VOC limits in Condition 7 shall be determined monthly from records required by Condition 10.d.
 - c. Compliance with the VOC control efficiencies requirements of Conditions 2 and 3 shall be determined by a monthly material balance averaged with the preceding five months. Each monthly VOC control efficiency “determination” shall be calculated from the VOC emissions determined for that month from the records required by Condition 8.a. and the Compliance Provisions section of 40 CFR 60, Subpart HHH (Standards of Performance for Synthetic Fiber Production Facilities 60.600-60.604). The VOC control efficiencies shall be calculated using the following equation:

$$EFF = (1 - (E/1000)) \times 100; \text{ where}$$

EFF = VOC control efficiency, and

E = Emissions in pounds per 1,000 pounds of solvent feed

(9 VAC 5-50-30 G, specific condition 11 of the 2/13/01 NSR permit, specific condition E.3. of the 5/30/96 RACT Agreement)

E. Reporting

12. The permittee shall submit a written report to the Director, Piedmont Region of the results of any continuing compliance determinations from Condition 11.a., 11.b., or 11.c. that indicate that VOC emissions exceed the emission limits in Condition 7 or that VOC control efficiency was less than that required by Condition 2. These reports shall be submitted quarterly at three-month intervals. If no exceedances occur during a particular quarter, a report stating this shall be submitted semiannually.
(9 VAC 5-50-360, specific condition 12 of the 2/13/01 NSR permit, specific condition E.4. of 5/30/96 RACT Agreement)

IV. Facility Wide Conditions

1. Unless specified otherwise in this part, on or after the date on which the performance test required to be conducted by 9 VAC 5-50-30 is completed, no owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 30% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section.
(9 VAC 5-50-80)
2. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment, monitoring devices, and process equipment which affect such emissions:
 - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
 - b. Maintain an inventory of spare parts
 - c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
 - d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided, including the names of trainees, the date of training, and the nature of the training.

Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.
(9 VAC 5-50-20 E)

3. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-80-110)
4. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC/HAPs	EPA Method 18
Visible Emissions	EPA Methods 9

(9 VAC 5-80-110)

V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

None Identified.

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
NSPS Subpart VVV	New Source Performance Standards for Polymeric Coating of Substrates	NSPS VVV not applicable to facilities which coat plastics

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

This permit shall become invalid five years from the date of issuance. The permittee shall submit an application for renewal of this permit no earlier than 18 months and no later than six months prior to the date of expiration of this permit. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the DEQ on the renewal application.

(9 VAC 5-80-110 D and 9 VAC 5-80-80 F)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Piedmont Region within four daytime business hours, after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VII.C.3. of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the Director, Piedmont Region within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days,

explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown.
(9 VAC 5-80-250)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
(9 VAC 5-80-110 G.4)
2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:
 - a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
 - b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
 - c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
 - d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
 - e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
 - f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
 - g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.
 - d. For malfunctions that occurred for one hour or more, the permittee submitted to the Board by the deadlines described in **Failure/Malfunction Reporting** above, a notice and written statement containing a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notice fulfills the requirement of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in

addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.